



## INTERIOR BOARD OF INDIAN APPEALS

Correy Alcantra v. Acting Pacific Regional Director, Bureau of Indian Affairs

37 IBIA 136 (02/07/2002)



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

CORREY ALCANTRA,	:	Order Affirming Decision
Appellant	:	
	:	
v.	:	
	:	Docket No. IBIA 00-110-A
ACTING PACIFIC REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	February 7, 2002

Appellant Correy Alcantra seeks review of a July 26, 2000, decision of the Acting Pacific Regional Director, Bureau of Indian Affairs (Regional Director; BIA), concerning the establishment of an Accounting Commission (Commission) for the Coyote Valley Band of Pomo Indians (Tribe) and the status of Tribal Chairperson Priscilla Hunter. For the reasons discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant sought the creation of a Commission that would conduct independent audits of the Tribe's casino income and expenditures from that income. The Commission was to be composed of three members, one of whom would be Appellant, with the two remaining members appointed by him. Appellant attempted to create this Commission through the Tribe's initiative procedure.

Several special tribal council meetings were held. Appellant believed that the creation of his Commission was approved at these meetings. Based on that belief, he attempted to exercise authority as a Commissioner on the Commission.

Following the Commission's attempt to begin operations, several additional special tribal council meetings were called for the purpose of removing Tribal Chairperson Priscilla Hunter for failure to cooperate with the Commission. It appears that each of these meetings was cancelled and Appellant, along with other tribal members, was informed that the Tribal Chairperson could not be removed from office for failing to cooperate with a Commission that was not validly created.

Appellant contends that the Tribal Chairperson was removed at the March 6, 1999, regular general tribal council meeting. He notified the Superintendent, Central California Agency, BIA (Superintendent), that the Tribal Chairperson had been removed. On April 12, 1999, the Superintendent wrote to the Tribal Chairperson concerning this matter. The Superintendent

stated that BIA policy was to refrain from interfering in intra-tribal disputes. He referred the matter to the Tribe for resolution.

The Tribe responded to the Superintendent, stating that Appellant's Commission initiative was invalid and that the Tribal Chairperson had not been removed from office. Appellant disputed this position in another letter to the Superintendent.

The Superintendent responded to Appellant by letter dated December 6, 1999. He stated the BIA position that this was an intra-tribal dispute, that the dispute had been resolved against Appellant by the Tribe, and that there was no basis for BIA interference in the matter.

Appellant appealed to the Regional Director. On July 26, 2000, the Regional Director issued the decision at issue here. The Regional Director stated:

I concur with the Superintendent's letter dated December 6, 1999 that establishment of an Accounting Commission is an internal tribal matter and that intervention in this matter will be in violation of the [BIA] policy of non-involvement in internal tribal matters in deference to the Tribe's tribal sovereign right to govern itself by reasonable interpretation of its laws. I further agree that removal and recall of tribal officials is an internal tribal matter. For these reasons, I am remanding the appeal to the appellant, General Council and Tribal Council for resolution in an appropriate tribal forum.

Regional Director's Decision at 3.

Appellant then appealed to the Board. Appellant and the Tribe filed briefs on appeal.

The decision that is before the Board is the Regional Director's determination that the establishment of an Accounting Commission and the removal of the Tribal Chairperson are internal tribal matters that are not appropriate for BIA involvement, but instead must be resolved by the Tribe. In this appeal, Appellant contends that the Tribe has resolved the dispute in his favor and that the only action BIA needs to take is to acknowledge and act on that tribal decision. The recognized tribal government, however, vigorously opposes this contention. Under these circumstances, the Board cannot accept Appellant's assertion that the Tribe has resolved this dispute in his favor.

Appellant is seeking to make political changes within the Tribe. Decisions on whether or not to implement such political changes are internal tribal matters. The Board has on numerous occasions discussed the Federal policy of respect for tribal sovereignty and self-determination and the concomitant requirement that the Department of the Interior refrain from interfering in internal tribal disputes in order to allow tribes to resolve their own disputes. See, e.g., Wadena v. Acting Minneapolis Area Director, 30 IBIA 130 (1996); Bucktooth v. Acting Eastern Area

Director, 29 IBIA 144 (1996). The Board finds that the Superintendent and the Regional Director properly refrained from interfering in this internal tribal dispute.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Regional Director's July 26, 2000, decision is affirmed.

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge

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//original signed

Anita Vogt  
Administrative Judge